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9 Attorneys for Plaintiffs

10 CITY OF HUNTINGTON BEACH, a California Charter City, and Municipal  
11 Corporation, HUNTINGTON BEACH CITY COUNCIL, and  
12 MAYOR OF HUNTINGTON BEACH, TONY STRICKLAND, and  
13 MAYOR PRO TEM OF HUNTINGTON BEACH, GRACEY VAN DER MARK

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 CITY OF HUNTINGTON BEACH, a  
17 California Charter City, and Municipal  
18 Corporation, the HUNTINGTON  
19 BEACH CITY COUNCIL, MAYOR  
20 OF HUNTINGTON BEACH, TONY  
21 STRICKLAND, and  
22 MAYOR PRO TEM OF  
23 HUNTINGTON BEACH, GRACEY  
24 VAN DER MARK

25 Plaintiffs,

26 v.

27 GAVIN NEWSOM, in his official  
28 capacity as Governor of the State of  
California, and individually;  
GUSTAVO VELASQUEZ in his  
official capacity as Director of the State  
of California Department of Housing  
and Community Development, and  
individually; STATE LEGISLATURE;  
STATE OF CALIFORNIA  
DEPARTMENT OF HOUSING AND

CASE NO. 8:23-CV-00421-FWD (ADSx)

**[PROPOSED] ORDER GRANTING  
A TEMPORARY RESTRAINING  
ORDER AND/OR ORDER TO  
SHOW CAUSE RE PRELIMINARY  
INJUNCTION**

1 COMMUNITY DEVELOPMENT;  
 2 SOUTHERN CALIFORNIA  
 3 ASSOCIATION OF  
 4 GOVERNMENTS; and  
 5 DOES 1-50, inclusive,  
 6  
 7 Defendants.

8 Plaintiff CITY OF HUNTINGTON BEACH (“City”) applied for a temporary  
 9 restraining order and order to show cause regarding the fines and penalties contained  
 10 within Cal. Gov. Code sections 65585 and 65589.5, which will occur if California’s  
 11 Department of Housing & Community Development (“HCD”) does not certify the  
 12 City’s current Housing Element and/or the City does not comply with HCD’s  
 13 Regional Housing Needs Assessment Allocation (“RHNA”) number to the City.  
 14 The Court has considered the moving papers submitted by Plaintiff, and any  
 15 response by Defendants.

16 For good cause shown, IT IS ORDERED that Defendants are temporarily  
 17 restrained from enforcing any of the fines or penalties enumerated within Cal. Gov.  
 18 Code sections 65585 and 65589.5, including:

- 19 1. Loss of Permitting Authority pursuant to Cal. Gov. Code section  
 20 65589.5(d)(5)(B);
- 21 2. The Builder’s Remedy pursuant to Cal. Gov. Code section 65589.5(d);
- 22 3. A lawsuit filed by HCD seeking to enforce the City’s compliance with their  
 23 current RHNA number to the City;
- 24 4. Court receivership pursuant to Cal. Gov. Code section 65585(l)(3)(B); and
- 25 5. Fines and penalties pursuant to Cal. Gov. Code section 65585(l)(1).

26 IT IS FURTHER ORDERED Defendants shall show cause, if any it has, why  
 27 fines and penalties contained within Cal. Gov. Code sections 65585 and 65589.5,  
 28 shall not be enjoined pending trial of this action or further order of the Court. A  
 copy of this order and papers filed by Plaintiff shall be served on Defendants no

1 later than\_\_\_\_\_, 2023. Any opposition to the preliminary  
2 injunction shall be filed with the Court no later than\_\_\_\_\_, 2023.  
3 Plaintiff may file an optional reply brief on or before\_\_\_\_\_, 2023.  
4 Hearing of this Order to Show Cause shall be at\_\_\_\_\_.m. on\_\_\_\_\_, 2023.

5 Dated:\_\_\_\_\_

6  
7  
8 By:\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE  
9